**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD**

**WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER TWO THOUSAND AND FOUR**

**PRESENT**
**HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**
**and**
**HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT APPEAL No.1385 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/08/2004 in WP No.10895 OF 2003 on the file of the High Court.)

Between:

C. Uma Maheswara Prasad,
S/o C. Subramanyam,
R/o Avulanna Village,
Beluguppa Mandal,
Ananthapur District.

.....
APPELLANT

AND

1 The Andhra Pradesh State Financial Corporation
Ananthapur Branch, rep. by its Branch Manager,
Ananthapur, Ananthapur District.
2 R. Kasinath,
S/o R. Shankaraiah,
Belaguppa Village and Mandal,
Ananthapur District.

...RESPONDENTS

Counsel for the Appellant :Mr. P.VINAYAKA SWAMY

Counsel for the Respondent No.1: Mr.Y.N.LOHITHA
SC FOR AP FINANCE CORPORATION

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

Challenge in the appeal is by the writ petitioner to the order of dismissal of the writ petition.

In the writ petition filed by the appellant on 11-06-2003 he sought setting aside of the sale proceedings pursuant to the notification dated 18-03-2003 by the first respondent in favour of the second respondent.

Respondent – Corporation in the affidavit in reply furnished details of the manner in which the property was auctioned. It is stated that after appellant defaulted in making payments, action was initiated by the Corporation under Section 29 of State Financial Corporation Act and the unit was seized on 31-05-1999 after issuing notice. After the appellant paid an amount of Rs.30,000/-, the unit was handedover to him on 15-11-1999 pursuant to the recall-cum-sale notice on 14-06-1999. When he committed default again, fresh recall-cum-sale notice dated 19-02-2000 was issued and the appellant failed to respond. Appellant has also filed insolvency petition seeking declaration as insolvent wherein he stated that he had incurred several losses and secured and unsecured debts. In order to safeguard its interest, it is alleged

that the Corporation proceeded to resume possession of the assets by seizing the same on 08-02-2001. It is thereafter that advertisements were issued in newspapers for sale of unit on as many as six occasions commencing from 31st July, 1999 and consequently, sale was finalised for a sum of Rs.2,82,000/- in favour of second respondent, who was handedover possession on 21-05-2003. Appellant filed the writ petition on 11-06-2003 by suppressing the said facts.

Narration of the aforesaid facts itself is sufficient to deny the relief sought for by the appellant and dismiss the writ appeal and the learned single Judge rightly declined to interfere with the sale notification as sale has been finally concluded.

Writ Appeal is accordingly dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

22-09-2004

bsc

To

1. The Branch Manager,
   The Andhra Pradesh State Financial Corporation
   Ananthapur Branch,
   Ananthapur, Ananthapur District.
2. 2 C.D. copies